

**MINUTES**  
**KENTUCKY BOARD OF PHARMACY**  
Spindletop Administration Building, Suite 302  
2624 Research Park Dr.  
Lexington, Kentucky

May 14, 2008

**CALL TO ORDER:** A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at Spindletop Administration Building, 2624 Research Park Drive, Lexington, Kentucky. President Leake called the meeting to order at 9:11 a.m.

Members present: Mike Leake, Peter Orzali, Anne Policastri, Patricia Thornbury, Sandy Simpson and Catherine Shely. Staff: Michael Burleson, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Phil Losch and Steve Hart, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacist Recovery Network Committee; Catherine Hanna and Ralph Bouvette, APSC; Ron Poole and Brad Hall, Kentucky Pharmacists Association; Sue Gage and Kim Morgan, Target; Mike Wyant, Cardinal Health; Chris Killmeier and Dan Luce, Walgreens; Tim Koch, Wal-Mart; Trish Freeman, William Vincent, and Mandy Jones, UK College of Pharmacy; Scott Greenwell, Humana; Ryan Bycroft; Macy Belden; and Michael McCollum, Kourtney Shewmaker, Miranda Hulett-Jackson, Amber Evans, Michael Tucker, Ryan Grey, and Jennifer White, College of Pharmacy students. Juanita Toole, Court Reporter, recorded the meeting.

**MINUTES:** On motion by Dr. Policastri, seconded by Dr. Shely and passed unanimously, the Minutes of March 12, 2008 Board Meeting were adopted.

**APPEARANCES:** **Macy Belden.** Ms. Belden was sworn in by Juanita Toole, Court Reporter. Ms. Belden appeared before the Board asking for reinstatement of her Kentucky pharmacist's license. Ms. Belden gave a brief overview of the events that lead to the loss of her license. After discussion, Dr. Shely moved to reinstate Ms. Belden's Kentucky pharmacist's license with the stipulations as follows: 10 years probation; shall maintain a perpetual inventory at all places of employment for Schedule II drugs, with electronic tracking of Schedule III-V drugs, and perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meeting no less than 6 times per 2 week period or 12 meetings per calendar month, which shall include a minimum of 2 meetings per week; Board shall conduct quarterly inspections for two years after which time semi-annual inspections shall be conducted for 3 years and then annual inspections for five years, at all locations of employment or practice as a pharmacist, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; agrees that a violation of the Agreed Order of Reinstatement shall cause her to automatically lose her license to practice pharmacy for not less than five years and one day and shall require Ms. Belden to petition the Board for reinstatement only after she has taken and successfully passed the entire Kentucky

Board of Pharmacy licensure examination; continuing education requirements must be satisfied, renewal fees and any penalties must be paid, and a complete renewal application must be submitted; maximum hours of work: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRNC Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly reports of all AA/NA meetings; shall agree to provide observed urine, other body fluid, or hair samples for drug/alcohol screens at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRNC Chair, Board and testing company of anything that may affect pharmacist's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist is not in compliance with the terms of this Agreed Order of Reinstatement; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist's physician; shall provide documentation to PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly written self performance evaluation to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of reinstatement; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject

to disclosure under the Kentucky Open Records Act. Dr. Policastri seconded, and the motion passed unanimously. Mr. Orzali rescued himself from the vote.

**Ryan Bycroft.** Mr. Bycroft was sworn in by Juanita Toole, Court Reporter. Mr. Bycroft appeared before the Board asking for permission to reciprocate his North Carolina pharmacist's license to Kentucky. Mr. Bycroft gave a brief overview of the events that lead to his North Carolina pharmacist's license being disciplined. After discussion, Mr. Orzali moved to allow Mr. Bycroft to take the Multi-State Pharmacy Jurisprudence Exam and if successfully completed, Mr. Bycroft may receive a Kentucky pharmacist's license with the stipulations as follows: probation until 4/2/2012, to run concurrently with the probation of his North Carolina pharmacist's license; shall maintain a perpetual inventory at all places of employment for Schedule II drugs, with electronic tracking of Schedule III-V drugs, and perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meeting no less than 6 times per 2 week period or 12 meetings per calendar month, which shall include a minimum of 2 meetings per week; Board shall conduct quarterly inspections for two years after which time semi-annual inspections shall be conducted, at all locations of employment or practice as a pharmacist, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; maximum hours of work: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRNC Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly reports of all AA/NA meetings; shall agree to provide observed urine, other body fluid, or hair samples for drug/alcohol screens at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRNC Chair, Board and testing company of anything that may affect pharmacist's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist is not in compliance with the terms of this Agreed Order of Reinstatement; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist's physician; shall provide documentation to PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall be excluded from accepting a position of pharmacist-in-charge, power of attorney, or

preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions shall not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly written self performance evaluation to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of becoming Kentucky licensed; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Ms. Simpson seconded, and the motion passed unanimously.

**Dan Luce and Chris Killmeier.** Mr. Luce and Mr. Killmeier were sworn in by Juanita Toole, Court Reporter. Mr. Luce and Mr. Killmeier, representing Walgreens, requested the Board change the interpretation of supervision of technician to include remote or off the premises supervision. After much discussion, Mr. Orzali moved to support the Board's decision from the September 12, 2007 Board meeting in which the Board interpreted Kentucky statutes do not allow a pharmacist to supervise a technician remotely. Ms. Thornbury seconded, and the motion passed four to one, with Mr. Orzali, Ms. Thornbury, Dr. Policastri, and Ms. Simpson voting for the motion and Dr. Shely voting against the motion.

Mr. Orzali moved that the Board study the definition of pharmacist supervision of technicians and the possibility of statutory changes. Dr. Shely seconded, and the motion passed four to one with Mr. Orzali, Dr. Shely, Dr. Policastri, and Ms. Simpson voting for the motion and Ms. Thornbury voting against the motion.

**William Vincent and Mandy Jones.** Dr. Vincent and Dr. Jones were sworn in by Juanita Toole, Court Reporter. Dr. Vincent is PGY2 Critical Care Pharmacy Resident at the University of Kentucky and Dr. Jones is a PharmD and PA-C. They requested the Board's interpretation of KRS 315.020(4) as it applies to pharmacist interns volunteering at the University of Kentucky Salvation Army Clinic. Dr. Vincent and Dr. Jones cited the importance of pharmacist interns having the experience of being part of a medical team and the great benefit that this underserved population would receive from their knowledge. However, the University Of Kentucky College Of Pharmacy does not stress that same importance to the point of having a licensed pharmacist on the Clinic's medical team, therefore, the pharmacist interns are supervised by a physician. It was stated that the students did not receive academic credit for volunteering at the University of Kentucky Salvation Army Clinic. After much discussion and clarification of the letter submitted, Dr. Shely moved that since the students are not receiving academic credit or

internship hours, they be allowed to volunteer at the University of Kentucky Salvation Army Clinic as long as they do not engage in the practice of pharmacy and the physician at the Clinic understands that the students are not to engage in the practice of pharmacy. Mr. Orzali seconded, and the motion passed unanimously.

**Brad Hall and Ron Poole/KPhA.** Mr. Hall and Mr. Poole were sworn in by Juanita Toole, Court Reporter. They requested the Board's opinion on pharmacists compounding preparations for administration by physicians in medical offices and institutions. Ms. Lalonde opined that Chapter 315 or the Board's regulations would not prohibit the compounding by a pharmacist for a physician who wants to utilize that compounded product when the physician administers treatment to a patient, but the Board should codify this through regulation. After much discussion, Dr. Shely moved to work with KPhA and other interested parties on developing regulations pertaining to pharmacists compounding preparations for administration at medical offices and institutions. Ms. Thornbury seconded, and the motion passed unanimously.

### **BOARD REPORTS:**

**Board President.** President Leake presented the list of names for the Pharmacists Recovery Network Committee (PRNC). Dr. Shely moved to appoint one person for the current vacancy and let the current PRNC stagger their own terms. Mr. Orzali seconded, and the motion was defeated unanimously.

Ms. Simpson moved that Mr. Burleson provide the curriculum vitae of each nominated person and the start date of current PRNC members for the July 9, 2008 Board meeting and the Board make the appoints at that time. Dr. Policastri seconded, and the motion passed unanimously.

President Leake reported on the USP 797 Committee meeting and made the recommendation that inspectors educate the pharmacists on USP 797 and that the Executive Director contact KPhA, KSHP and APSC for comments concerning "low volume" criteria for exemption from the Hazardous Drugs compounding requirements. Mr. Orzali moved to accept the report from the USP 797 Committee as presented. Dr. Shely seconded, and the motion passed unanimously.

**Board Members. Dr. Policastri.** Dr. Policastri shared the results of the survey from the students regarding the new graduates' reception. Dr. Policastri moved that she and Mr. Burleson decide on a date, time and place for the reception and bring this proposal to the July 9, 2008 Board meeting. Ms. Simpson seconded, and the motion passed unanimously.

**Mr. Orzali.** Mr. Orzali passed out a draft of the report from the NABP National Drug Task Force on Drug Diversion. The committee met four times and is making four recommendations. The report will be presented at the NABP annual meeting in Baltimore.

**Ms. Thornbury.** Ms. Thornbury reported on the APhA meeting she attended in San Diego, CA.

**Board Executive Director.** 1) EMars monthly reports for April and May 2008 were presented to the Board. 2) The Board Retreat will be in Louisville November 15-16, 2008. Agenda items will need to be set at the July 9, 2008 Board meeting. 3) NABP District III Meeting is scheduled to be in San Destin, FL, August 17-19, 2008 and travel to the meeting will be submitted for approval. 4) 2009 NABP District III meeting will be in Kentucky. 5) The Commonwealth has proposed to take monies, including federal funds, from the Board to put into the General Fund to help with the deficit in the state budget in amounts as follows: 2008 - \$190,000; 2009 - \$300,000; 2010 - \$300,000. Ms. Thornbury moved to authorize the Executive Director to use the federal funds to pursue the purchase of furniture and computer equipment up to \$50,000. Mr. Orzali seconded, and the motion passed unanimously. 6) The wholesaler /pedigree legislation requires that the Board of Pharmacy promulgate administrative regulations within 180 days of the bill's enactment into law. Dr. Shely moved for the Executive Director and Board Attorney to contact stake holders and form a committee to draft proposed regulations to be presented at the July 9, 2008 Board meeting. Ms. Thornbury seconded, and the motion passed unanimously. Dr. Policastri volunteered to serve on the committee. 7) A sample technician registration application and certificate were presented to the Board. Mr. Burleson, Ms. Lalonde and staff will survey other states as to the parameters for DUI/drug charges and picture requirement and present the results at the July 9, 2008 Board meeting. The need for additional staff due to the technician registration requirement was explained. Mr. Orzali moved for Mr. Burleson to ask for an appropriations adjustment to hire for the position of an Admin I. Dr. Shely seconded, and the motion passed unanimously. 8) Mr. Burleson was instructed to work on setting a date and time for a dinner to honor Senator Dick Roeding and Senator Susan Westrom, and present the information at the July 9, 2008 Board meeting.

**Board Staff.** Mr. Hart thanked the Board for the opportunity to attend the USP 797 workshop in Rockville, MD.

#### **CURRENT/PENDING CASES:**

**OAG.** Dr. Shely moved that the disciplinary action on medication errors when more than one pharmacist is involved in the prescription filling process be reviewed and discussed at the Board Retreat. Ms. Thornbury seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Case Updates:** Dr. Shely moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

Case No. 07-0103B; Case No. 07-0103C; Case No. 07-105B; Case No. 08-0001B; Case No. 08-0003; 08-0005; Case No. 08-0007; Case No. 08-0008; Case No. 08-0009; Case

No. 08-0010; Case No. 08-0011; Case No. 08-0012; Case No. 08-0016; Case No. 08-0017; Case No. 08-0018; and Case No. 08-0019.

**Case Review:** Mr. Orzali moved for acceptance of Case Review Committee recommendation for Case No. 07-0104. Ms. Thornbury seconded, and the motion passed unanimously. Dr. Policastri recused herself from this case. Ms. Simpson was not present for the vote.

**Case No. 07-0104. Revisit.** Pharmacy intern has entered a guilty plea in federal court to a felony charge involving mail fraud and money laundering. Alleged violations of law: KRS 315.121(1)(c) and KRS 315.121(3). **NEW INFORMATION:** the student will complete rotations in May 2008 and will graduate in August 2008. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing

Dr. Shely moved for acceptance of the Case Review Committee recommendations for the following case reports. Mr. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Case No. 07-0043 Revisit.** Pharmacy permit holder allegedly failed to report PIC change within 14 days. Alleged violation of law: 201 KAR 2:205 Sec. 2(d). **NEW INFORMATION:** Notification from former PIC lists different end date than previous documentation. **CRC Recommendation:** Case is dismissed.

**Case No. 07-00095A.** Pharmacy permit holder allegedly engaged in unprofessional conduct by committing a medication error and failing to maintain required computerized records. A prescription for Trileptal was refilled and given to the patient in a container other than the original container that contains the required plastic adapter with the oral dosing syringe. The pharmacist filling the prescription was not readily available. Alleged violations of law: KRS 315.121(2)(d)(e) , 201 KAR 2:170, section 1 (2)(h). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 07-00095B.** Pharmacist engaged in unprofessional conduct by committing a medication error. A prescription for Trileptal was refilled and given to the patient in a container other than the original container that contains the required plastic adapter with the oral dosing syringe. Alleged violations of law: KRS 315.121(2)(d)(e) , 201 KAR 2:170, section 1 (2)(h). **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 07-0106A Revisit.** Pharmacy permit holder allegedly is not reporting to KASPER, billing bogus prescriptions, and filling prescriptions without authorized prescriptions. Alleged violations of law: KRS 315.121(2)(b)(d)(e)(f) and (h) and KRS 315.010(5). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 07-0106B Revisit.** Pharmacy permit holder allegedly is not reporting to KASPER, and billing bogus prescriptions, and filling prescriptions without authorized prescriptions. The pharmacy is compounding commercially available products, stockpiling compounded products, non-compliant with USP 797, and changing doses of compounded product without authorization. Alleged violations of law: KRS 315.121(2)(b)(d)(e)(f) and (h) and KRS 315.010(5). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 07-0106C Revisit.** Pharmacist is allegedly filling prescriptions without authorized prescriptions, is not reporting to KASPER, and billing bogus prescriptions, and filling prescriptions without authorized prescriptions, is compounding commercially available products, stockpiling compounded products, non-compliance with USP 797, and changing doses of compounded product without authorization. Alleged violations of law: KRS 315.121(2)(b)(d)(e)(f) and (h) and KRS 315.010(5). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 07-0108A Revisit.** Pharmacy permit holder allegedly committed a medication error by filling a prescription for amoxicillin with generic Augmentin. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 07-0108B Revisit.** Pharmacist allegedly committed a medication error by filling a prescription for amoxicillin with generic Augmentin. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to

proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0013A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error. A patient ingested Adderall instead of prescribed clonazepam, patient allegedly contacted the pharmacy and they allegedly said they had mislabeled the medication and it would not be harmful to bring it back to the pharmacy. Alleged violations of law: KRS 217.065 and KRS 315.121(2)(d). CRC  
Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0013B.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient ingested Adderall instead of prescribed clonazepam, patient allegedly contacted the pharmacy and they allegedly said they had mislabeled the medication and it would not be harmful to bring it back to the pharmacy. Alleged violations of law: KRS 217.065 and KRS 315.121(2)(d). CRC  
Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0014.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. Patient was prescribed Chantix .5mg twice daily for 1 month then increase to 1 mg twice daily for 2 months. Patient received Chantix 1mg daily for 3 days, then 1 mg tablet twice daily for 4 days and then two 1 mg tablets twice daily. Alleged violation of law: KRS 315.121(2)(d). CRC  
Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0022A.** Pharmacy permit holder allegedly sold a misbranded product as a result of a medication error. A patient had two prescriptions filled, one for Adderall XR 20mg capsules and a second for Adderall 10mg tablets. The first prescription was filled correctly; the second was filled with 20mg generic Adderall tablets. Alleged violation of law: KRS 315.121(2)(d). CRC  
Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0022B.** Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. A patient had two prescriptions filled, one for Adderall XR 20mg capsules and a second for Adderall 10mg tablets. The first prescription was filled correctly; the second was filled with 20mg generic Adderall tablets. Alleged violation of law: KRS 315.121(2)(d). CRC  
Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an

Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0023.** Pharmacist failed to renew pharmacist license before expiration and continued to practice. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0024.** Pharmacist failed to renew pharmacist license before expiration and continued to practice. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0025.** Pharmacist allegedly failed to complete 1.5 CEU's of continuing education in 2007. Pharmacist completed 14 of 15 hours. Alleged violations of law: KRS 315.065(2) and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0026.** Pharmacist is impaired and surrendered license and entered treatment. Pharmacist allegedly diverted control substances. Alleged violations of law: KRS 315.121(1)(b), (2)(d), (2)(e). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0027.** Special limited medical gas permit holder failed to open on 3/28/08 and did not provide an emergency telephone contact for patients needing oxygen or service. Alleged violations of law: KRS 315.121(1)(a) and 201 KAR 2:106. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0028.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0029.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0030.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0031.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0032.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0035.** Pharmacist stated on his renewal application for pharmacist's license that he had a suspended license in another state. He provided an explanation at the time of permit renewal. Alleged violation of law: KRS 315.121(1)(c)(3). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

**Case No. 08-0037.** Pharmacist allegedly self prescribed various erectile dysfunction drugs (EDD). Pharmacist obtained receipts for only some of the prescriptions for the purpose of submitting these for reimbursement from his Flexible Spending Account. Alleged violations of law: KRS 315.121(2)(e)(f)(g)(h) and (j) and 201 KAR 2:190 Section 2 (3)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0040.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0041.** Pharmacy permit holder allegedly failed to report PIC change within 14 days. Alleged violation of law: 201 KAR 2:205 Section 2(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0042.** Pharmacy permit holder allegedly closed without proper notification to the Board Office. Alleged violation of law: 201 KAR 2:106 Section. 2. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0043.** Pharmacy permit holder allegedly closed without proper notification to the Board Office. Alleged violation of law: 201 KAR 2:106 Section. 2. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0044.** Special limited medical gas permit holder allegedly closed without proper notification to the Board Office. Alleged violation of law: 201 KAR 2:106 Section. 2. CRC Recommendation: There is sufficient evidence of a

violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0045.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0046.** Pharmacist allegedly failed to renew pharmacist's license in a timely manner and continued to practice pharmacy. Alleged violation of law: KRS 315.110(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0047.** Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported completing all continuing education requirements on 2008 KY pharmacist's renewal, however, pharmacist only completed 14 hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0048.** An out of state nuclear pharmacy has been allegedly shipping legend drugs into Kentucky without having an out of state pharmacy permit since on or about February 4, 2008. Alleged violation of law: KRS 315.035(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0049.** Special limited medical gas permit holders allegedly failed to have in place a pharmacist-in-charge since November 15, 2007, failed to have the premises secure and failed to have records on site. Alleged violations of law: 201 KAR 2:225 Section 2(1)(a)(b) and (2)(b). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if

unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**Case No. 08-0033.** Pharmacist allegedly diverted controlled substances from her primary place of employment. Alleged violations of law: KRS 315.121(2)(d)(f), KRS 218A.180 and KRS 218A.1417. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

**RECIPROCITY/RELICENSURE/INTERNSHIP:** Louis J. Delnnocentes requested he be allowed to reciprocate to Kentucky from an Indiana pharmacist's license that is on probation. Dr. Shely moved to request that Mr. Delnnocentes be required to appear. Mr. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**CORRESPONDENCE/COMMUNICATIONS:**

**Linda Bullock.** Ms. Bullock requested to be a dual pharmacist-in-charge at Corner Homecare, Inc. and Corner Homecare Infusion. Dr. Policastri moved to allow Ms. Bullock to be dual pharmacist-in-charge at Corner Homecare, Inc. and Corner Homecare Infusion. Mr. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Jessie Morgan.** Mr. Morgan requested to be a dual pharmacist-in-charge at the University of Louisville Hospital Faculty Office Practice Building Pharmacy and the University of Louisville Hospital Ambulatory Care Pharmacy. Ms. Orzali moved to allow Mr. Morgan to be dual pharmacist-in-charge at University of Louisville Hospital Faculty Office Practice Building Pharmacy and University of Louisville Hospital Ambulatory Care Pharmacy. Dr. Policastri seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Kevin Miller.** Mr. Miller requested to be a dual pharmacist-in-charge at CertaCare Pharmacy - retail and CertaCare Pharmacy – home infusion. Mr. Orzali moved to allow Mr. Miller to be dual pharmacist-in-charge at CertaCare Pharmacy – retail and CertaCare Pharmacy – home infusion. Dr. Policastri seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Stearns Veterinary Outlet Store, Inc.** Stearns Veterinary Outlet Store, Inc. requested a waiver for the out of state pharmacy permit requirement because the prescription drugs dispensed by the pharmacy are limited to veterinary drugs prescribed by veterinarians. Ms. Thornbury moved to deny the request for a waiver for an out of state pharmacy permit for Stearns Veterinary Outlet Store, Inc. Dr. Shely seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**Celina Adams Cummings.** Ms. Cummins requested to be a dual pharmacist-in-charge at Kindred Hospital and Harthill Equine Pharmacy. Ms. Thornbury moved to allow Ms. Cummings to be dual pharmacist-in-charge at Kindred Hospital and Harthill Equine Pharmacy. Mr. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**CONTINUING EDUCATION:**

Ms. Thornbury moved to accept the continuing education programs 08-21 through 08-32 as recommended. Ms. Orzali seconded, and the motion passed unanimously. Ms. Simpson was not present for the vote.

**ADJOURNMENT:** On motion by Mr. Orzali, seconded by Ms. Thornbury, and passed unanimously, President Leake adjourned the meeting at 5:50 p.m. Ms. Simpson was not present for the vote. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on July 9, 2008 at the Board Office.

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Michael Burleson, R.Ph.  
Executive Director